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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,329	06/23/2003	Yasuhiro Kato	239407US90	6627

22850 7590 11/17/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/600,329

**Applicant(s)**

KATO ET AL.

**Examiner**

Tilahun B. Gesesse

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 through 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Widegren et al US patent No. 6,374,112 "Widegren".

Claim 1, Widegren teaches a wireless channel setting method for a mobile communication system in which a, common channel, which all mobile stations (base stations item # 28 and item #30 of figure 1) are permitted to use for signal exchange at the start to communication, and an individual, channel, (dedicated channel) which is tuned through the setting process for each mobile station, are switched so as to be used as a wireless channel between a mobile station and a wireless base station [see column 3, line 59-column 4, lines 16 and column 4, lines 31-49], the method comprising:

Widegren teaches the wireless base station receives a transmission signal from a specific mobile station through the common channel, and compares a transmission power, value to transmit mobile station with predetermined threshold value (see figures 1 and 9, column 15, line 58-column 16, line 29)

Widegren teaches when the transmission power value is lower than the predetermined threshold value, the wireless base station continues the signal transmission/reception, through the common channel, with the specific mobile station; [see column 3, line 59-column 4, lines 16 and column 4, lines 31-49], and

Widegren teaches when the transmission power value exceeds the predetermined threshold value, the wireless base station sets an individual channel (dedicated channel) and continues signal transmission/reception, through the specific mobile station [see column 3, line 59-column 4, lines 16 and column 4, lines 31-49] and (see figures 1 and 9, column 15, line 58-column 16, line 29) .

Claims 2-3. Widegren teaches a wireless channel setting method for a mobile communication system between the mobile station and the wireless base station in which a to common channel, which every mobile station is permitted to use for signal exchange at the start of communication, and an individual channel which is tuned through the setting process for each mobile station, are switched so as to obtain wireless channel for use by a mobile station and a wireless base station, (see figures 1 and 9, column 15, line 58-column 16, line 29) the method comprising:

Widegren teaches the wireless base station receives a transmission signal from a specific mobile station through the common channel, and compares the communication quality level to transmit with the mobile station with the determined threshold (see figures 1 and 9, column 15, line 58-column 16, line 29);

Widegren teaches when the communication quality level lower than the predetermined threshold value, the wireless base station continues the signal

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transmission/reception, through the common channel, with the specific mobile station(see figures 1 and 9, column 15, line 58-column 16, line 29); and

Widegren teaches when the communication quality level exceeds the predetermined , threshold value, the wireless base station sets an individual channel and continues the signal transmission/reception, through the individual channel, with the specific mobile station[see column 3, line 59-column 4, lines 16 and column 4, lines 31-49] and (see figures 1 and 9, column 15, line 58-column 16, line 29) .

Claims 4-5, Widegren teaches a mobile communication apparatus comprising: a control signal processor for setting and switching wireless signals in accordance with a received instruction a wireless channel setting controller for determining which wireless channel is to be used by each mobile station based on a notified transmission power over the common channel, and for instructing the wireless channel to be used to the control signal processor; and a transmission power measuring unit for measuring the transmission power value over the wireless channel for each mobile station, (see column 16, line 14-29) and for notifying the transmission power value to the wireless channel setting controller, wherein wireless, channel setting controller compares the transmission power value provided by a specific mobile station through the, common channel with a predetermined threshold value (see column 16, lines 14-29) and, when the transmission power value is lower than the predetermined threshold value, wireless channel setting controller continues the finals through the common channel with the transmission/reception o specific mobile station, and when the transmission power value exceeds the predetermined threshold value, the wireless channel setting

controller sets the individual channel for the specific mobile station and transmits an instruction to the control signal processor to continue the transmission/reception of signals through the individual channel[see column 3, line 59-column 4, lines 16 and column 4, lines 31-49] and (see figures 1 and 9, column 15, line 58-column 16, line 29).

Claim 6. Widegren teaches a mobile communication apparatus comprising; a control signal processor for setting and switching wireless signals in accordance with a received instruction; a wireless channel setting controller for determining which wireless channel is to be used for each mobile station based on a notified usage ratio for a common channel, [see column 16, line 14-29) and for instructing the wireless channel to be used to the control signal processor; and a utilization ratio measuring unit for measuring the utilization rate for the common channel; and for notifying the utilization value to the wireless channel setting controller, wherein the Wireless channel setting controller compares the utilization ratio for the common channel determined value a signal is received from specific mobile station through the common channel with a predetermined threshold value and, when the utilization ratio for the common channel is lower than the predetermined threshold value, the wireless channel setting controller continues the transmission reception of signals, through the common with the specific mobile station, and channel when the utilization ratio for the common channel exceeds the controller sets predetermined threshold value(see column 16, line 14-29 and column 11, lines 14-29), the wireless channel setting con an individual channel for the specific mobile station and transmits an instruction the control signal processor to continue the transmission/reception of signals through the individual channel[see column 3, line 59-

column 4, lines 16 and column 4, lines 31-49] and (see figures 1 and 9, column 15, line 58-column 16, line 29).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meyer et al (WO 02/43413) teaches a method of switching from a current common channel to a dedicated channel for a UE and estimate the round trip delay for data packets traveling between the UE and a peer node with which the UE is communicating and determined the threshold and switch from common channel to dedicated channel when UE threshold exceeds (see abstract and figure 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

The Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/4/05  
*Tilahun Geesse*  
TILAHUN GESESSE  
PRIMARY EXAMINER